

Serial No. 09/988,062

Docket No. HI-0054

Amendment dated October 25, 2006

Reply to Office Action of July 28, 2006

REMARKS

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

By the present response, Applicant has canceled claim 12 without disclaimer and amended claims 1 and 7 to further clarify the invention. Claims 1, 3-7, 9-11 and 13 are pending in this application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 1, 4, 5-7, 11-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,249,897 (Lin et al.) in view of U.S. Patent No. 5,729,557 (Gardner et al.). Claims 4 and 10 have been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Lin et al. and Gardner et al. in view of U.S. Patent No. 6,898,417 (Moulsley).

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35 U.S.C. § 103 Rejections

Claims 1, 4, 5-7 and 11-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,249,897 (Lin et al.) in view of U.S. Patent No. 5,729,557 (Gardner et al.). Claim 12 has been canceled. Applicant has discussed the deficiencies of these references in Applicant's previously filed response and reassert all arguments submitted in that response. Applicant respectfully traverses these rejections and provides the following additional remarks.

Regarding claims 1 and 7, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of these claims. For example, the Examiner asserts that Lin et al. discloses performing the second transmission by increasing the power according to the second transmission request, at col. 4, lines 21-27. However, as noted in Applicant's previously filed response, Lin merely discloses that if a stored message is to be retransmitted, the retransmission will occur at a power level greater than the first transmission. Lin et al. does not disclose or suggest performing the second transmission by decreasing the initial decoding rate and increasing the transmission power according to the second transmission request, as recited in the claims of the present application.

The Examiner admits that Lin et al. does not disclose or suggest performing a second transmission by decreasing the initial coding rate, but asserts that Gardner et al. discloses these

limitations at col. 2, lines 43-54. However, as noted previously, these portions merely disclose that when a mobile unit determines that it needs more transmit power that it is capable of providing, it changes its code rate to a lower code rate. This clearly teaches that the change of the coding rate is dependent on the channel environment. This is not performing the second transmission by decreasing the initial coding rate and increasing the transmission power according to the second request, and without requiring channel environment information of the wireless communication link, as recited in the claims of the present application.

Neither Lin et al. nor Gardner et al. disclose or suggest a transmitter at a transmitting party performing both transmitting data from the transmitter at the transmitting party using at least one of an initial coding rate or an initial transmission power value and performing a second transmission by decreasing the initial coding rate and increasing the transmission power according to the second transmission request.

Moreover, the combination of Lin et al. and Gardner et al. fails to achieve the limitations in the claims of the present application. Specifically, Lin et al. discloses increasing power from the base station to the mobile station (see col. 4, lines 21-23), whereas Gardner et al. discloses lowering the coding rate from the mobile station to the base station (see col. 2, lines 36-39 and lines 46-49). Clearly, this combination teaches away from the limitations in the claims of the present application and does not disclose or suggest transmitting from a transmitter at a transmitting party an initial coding rate or an initial transmission power to a receiving party and

performing a second transmission from the same transmitter at the same transmitting party by decreasing the initial coding rate and increasing the transmission power.

Further as noted in Applicant's previously filed response, generally the increase of the transmission power is only performed by the operation of transmitter. The decrease of the coding rate, however, is performed through interaction between transmitter and receiver. Wherein, an adjustment of transmission power is accomplished at the RF side of the transmitter but an adjustment of coding rate is accomplished at the Layer 1, such as physical layer. For that reason, the transmitter can adjust the second transmission power by itself but cannot adjust the second coding rate. The transmitter should negotiate with the receiver to change the coding rate. In comparison with the general art, the adjustment of coding rate in embodiments of the present invention can be performed only by the operation of transmitter through applying a blind type adjustment (requiring no channel environment information).

Additionally, regarding claim 1, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of this claim. The combination of Lin et al. and Gardner et al. fails to achieve the limitations in this claim of the present invention. Specifically, the present invention discloses performing the second transmission by decreasing the initial coding rate and increasing the transmission power, wherein the decrease of the initial coding or the increase of the transmission

power is performed in a fixed or flexible pattern. The cited references, however, do not disclose or suggest what pattern the transmission would be performed with.

Regarding claims 4, 5, 6, 11 and 13, Applicant submits that these claims are dependent on one of independent claims 1 and 7 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 1, 4, 5-7, 11 and 13 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 4 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin et al., Gardner et al. and Mousley. Applicant respectfully traverses these rejections and submits that these claims are dependent on one of independent claims 1 and 7 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Applicant submits that Mousley does not overcome the substantial defects noted previously regarding Lin et al. and Gardner et al.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 4 and 10 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 3-7, 9-11 and 13 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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